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REMARKS

Claims 1-28 are currently pending in the subject application and are presently under consideration. The specification and claims 1-28 have been amended herein. The amendments to the claims do not narrow the scope thereof, but rather further clarify what applicants regard as the invention. A listing of all claims is at pages 3-7. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 7 Under 35 U.S.C. §112, Second Paragraph

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regards as the invention. It is respectfully submitted that this rejection should be withdrawn for the following reason. Claim 7 has been amended herein, and it is believed the amendments render the rejection moot. Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 1-7 and 22-28 Under 35 U.S.C. §101

Claims 1-7 and 22-28 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. As suggested by the Examiner, independent claims 1, 22, and 26 have been amended herein to recite a "computer implemented" method, software and system, respectively. Accordingly, the rejection of independent claims 1, 22, and 26 (and claims 2-21, 23-25, and 27-28, which respectively depend therefrom) should be withdrawn.

III. Rejection of Claims 1-24 and 26-28 Under 35 U.S.C. §102(b)

Claims 1-24 and 26-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by "A Common Object Model Discussion Paper" by the Workflow Management Coalition (hereafter "WfMC"). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. WfMC does not describe, teach or suggest each and every limitation of the subject claims.

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A single prior art reference anticipates a patent claim only if it expressly or inherently *describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently *described* in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 recites dividing an abstract model of a business workflow process into at least one executable that represents business operations and binding the executable to at least one technological component *via* a binding separate from the abstract model. WfMC does not describe, teach or suggest such claimed aspects. Rather, WfMC is directed to providing a standardized workflow architecture for interfacing with workflow services. In particular, WfMC discloses a standard API model (WAPI) that facilitates software application access to one or more independent workflow services.

In the Office Action dated March 15, 2004, it is contended that WfMC discloses *providing an abstract model* of the business workflow process *and breaking the abstract model* into at least one executable representing business operations. The Examiner references page 7, section 2.2.2 of WfMC and page 4, section 2.1.1 of WfMC, respectively, to support such contentions. However, these two sections do not teach or suggest *providing an abstract model and breaking this model* into respective executables, as recited in the subject claim. Page 7, section 2.2.2 of WfMC relates to core interfaces defined by the jFlow specification and discloses a *WorkProcess interface object* that represents an instance of a workflow model, and page 4, section 2.1.1 of WfMC does *not* describe, teach or suggest breaking the *WorkProcess interface object* into at least one executable of business operations. Rather, page 4, section 2.1.1 discloses modeling workflow *services* (not a WorkProcess interface) as separate domains to provide for hierarchic or chained sub-processes. Since these two sections of WfMC relate to different concepts, interfaces and client services, it appears the Examiner attempts to piece together the claimed invention through arbitrary references to disparate sections taken out of context, rather than provide a document that discloses each and every element as arranged in the subject claim.

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It is further contended in the subject Office Action that WfMC discloses *binding the* at least one *executable* to at least one *technological component via a binding separate from the abstract model*. The Examiner relies on page 8, section 3.1 of WfMC to support this contention; however, this section of WfMC simply speculates that it will become important in the future to provide dynamic binding *between workflow services or service components*. Thus, this section of WfMC contemplates interoperability between services or between components residing therein and does not describe, teach or suggest utilizing a binding separate from an abstract model to bind executable representations of business operations, generated from the abstract model, with technological components, as recited in the claimed invention.

Independent claims 8, 16, 22 and 26 have been amended herein to further emphasize various novel aspects of the claimed invention. The limitations of these claims are not described, taught or suggested in WfMC and, thus, render the rejection of these claims moot. Accordingly, it is respectfully requested that the rejection of independent claims 1, 8, 16, 22 and 26 (and claims 2-7, 9-15, 17-21, 23-24, and 27-28, which respectively depend therefrom) be withdrawn.

IV. Rejection of Claim 25 Under 35 U.S.C. §103(a)

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over WfMC. It is respectfully submitted that this rejection should be withdrawn for the following reason. Claim 25 depends from claims 22, which is allowable for at least the reasons described above. By virtue of this dependency, claim 25 includes all limitations of claim 22 and, therefore, is allowable. Accordingly, this rejection should be withdrawn.

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CONCLUSION


The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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